

REMARKS

Applicants appreciate the indication that claims 27-43 are allowed and claims 7, 8, 17 and 18 recite allowable subject matter. Claims 7 and 17 are amended in independent form and without prejudice. These claims stand ready for allowance.

Claims 5 and 15 are amended without prejudice; these changes direct the scope of the claims to alternative aspects of the invention. For example, the phrase “user ID” is changed to --information--, and the phrase “with reference to at least the information” has been added. The Examiner is invited to inspect these claims for the exact wording of these and other changes.

Claim 11 is amended without prejudice by inserting the words “discerned or derived”.

Claim 27 is amended in an editorial manner and without prejudice.

Claims 5-6, 11-16 and 25-26 stand rejected as being anticipated by Min-Jae (U.S. Patent No. 6,222,807). Claims 44-50 are rejected as being unpatentable over Min-Jae. We respectfully traverse these rejections.

The specification is amended to use priority language suggested by the MPEP (i.e., “claims the benefit of”). No petition is believed necessary, since the subject application was filed well before November 29, 2000.

*Claim 5*

Claim 5 recites a method including: receiving audio at a device, and discerning from the audio a plural-bit audio ID, in combination with other claim features. We renew our objections to the previous rejection for at least the reasons stated in our June 30, 2006 Amendment.

Claim 5 also recites obtaining information from a memory in the device; and with reference to at least the information, transmitting at least a portion of the audio ID to a location remote from said device. The cited Min-Jae passages are not understood to teach this combination. In particular, Col. 12, lines 54-66, is not understood to teach, with reference to at least the information, transmitting at least a portion of an audio ID to a location remote from said device.

Claim 5 stands ready for allowance.

*Claim 15*

Claim 15 stands ready for allowance for at least reasons analogous to those discussed above with respect to claim 5.

*Claim 11*

Claim 11 recites – in combination with other features – a transducer to receive ambient audio and to output electrical signals representing the ambient audio to the input of a processing system, the processing system operable to detect an identifier of the ambient audio discerned or derived from the electrical signals. The cited passages of the Min-Jae document – including Fig. 1 and Col. 20, lines 23-37 – are not understood to teach these features, in combination with other features of the claim.

Claim 11 stands ready for allowance.

*Claim 44*

We respectfully traverse the notion that extracting an identifier from a digital watermark embedded in the electrical signals representing the ambient audio would be obvious in view of Min-Jae. Please see the previous Office Action, page 3, paragraph 3.

The Office Action has failed to establish a prima facie case of obviousness. For example, the skill level of one of ordinary skill in the art is not established in the previous Office Action. Moreover, there is no discussion of how one would modify Min-Jae to accomplish the claimed invention. We doubt this would be a straight forward modification, given Min-Jae's reliance on table of contents and header files, and not on hidden, embedded codes. (We need not stress other deficiencies of the proposed combination at this time.)

Claim 44 stands ready for allowance.

We respectfully request reconsideration and an early Notice of Allowance. In the meantime, the Examiner is respectfully invited to contact the undersigned with any questions.

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CUSTOMER NUMBER 23735

Phone: 503-469-4800

FAX: 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By   
Steven W. Stewart  
Registration No. 45,133